

BILL NO. X-72-12-08

ANNEXATION ORDINANCE NO. X-01-74

AN ORDINANCE annexing certain territory to the City of Fort Wayne and including the same in Councilmanic District No. 2, and repealing certain Annexation Ordinance.

WHEREAS, since the passage of Annexation Ordinance X-18-68, certain annexation statutes were enacted by the 1969 General Assembly of Indiana, which are more effective than prior statutes; and

WHEREAS, the City of Fort Wayne is desirous of annexing the territory covered in Ordinance X-18-68 pursuant to the said 1969 annexation statutes, rather than under prior annexation statutes:

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be and the same is hereby annexed to and made part of the corporation of the City of Fort Wayne, Indiana, to-wit:

Part of Section 19, the Southeast Quarter of Section 18, the Southwest Quarter of Section 17, and the West half of Section 20, Township 31 North, Range 13 East, Allen County, Indiana; more particularly described as follows to-wit:

Beginning at the intersection of the East right-of-way line of the St. Joe Road with the North line of the Southwest one quarter of Section 20, Township 31 North, Range 13 East; thence South along the East right-of-way line of St. Joe Road to a point representing the easterly extension of the North line of the South one half of the South one half of Section 19, Township 31 North, Range 13 East; thence West along the said North line of the South one half of the South one half of said Section 19 to its intersection with the center line of the St. Joseph River; thence upstream in a northerly direction following the meanderings of the center line of the St. Joseph River crossing St. Joe Center Road to its intersection with the westerly extension of the north line of St. Joe Gardens Addition; thence East along the westerly extension and the north line of the St. Joe Gardens Addition to a point situated 277 feet West of the center line of the St. Joe Road; thence, North 37 degrees and 45 minutes east along a line parallel with the center line of the St. Joe Road a distance of 123.8 feet to a point; thence east along a line being parallel to the North line of St. Joe Gardens Addition extended easterly, a distance of 252+ feet to its intersection with the West right-of-way line of the St. Joe Road; thence in a Southwesterly direction on and along the West right-of-way line of St. Joe Road, crossing St. Joe Center Road, to its intersection with the east/west center line of Section 19, Township 31 North, Range 13 East; thence

East to the intersection of the East right-of-way line of St. Joe Road with the North line of the Southwest one quarter of Section 20, Township 31 North, Range 13 East, to the point of beginning. Containing therein approximately 3.27 acres.

SECTION 2. Said annexed territory shall be part of Councilmanic District No. 2 of the City of Fort Wayne, Indiana, as described in Section 29 of Chapter 1 of the Municipal Code of the City of Fort Wayne, Indiana.

SECTION 3. That Annexation Ordinance X-18-68 is hereby repealed.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and sixty (60) days after legal publication, but shall not take effect until January 1, 1976.

Vivian G. Schmidt
Councilman

Approved as to form
and legality

John H. Logan
Associate City Attorney

Read the first time in full and on motion by V. Schmidt, seconded by
Moses, and duly adopted, read the second time by title and
referred to the Committee on Annexation (and to the
City Plan Commission for recommendation) (and Public Hearing to be held after due legal
notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____
the _____ day of _____ 19____, at _____ o'clock
P.M., E.S.T.

Date: 12/5/74

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by Charles W. Westerman,
seconded by V. Schmidt and duly adopted, placed on its passage.

Passed ~~TEST~~ by the following vote:

AYES 9, NAYS 0, ABSTAINED _____, ABSENT _____ to-wit:

Burns X _____

Hinga X _____

Kraus X _____

Moses
Nuckles X _____

Nuckles
Moses X _____

Schmidt, D. X _____

Schmidt, V. X _____

Stier X _____

Talarico X _____

Date 6-11-74

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as (Zoning
Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. X-01-74
on the 11th day of June, 19 74.

Charles W. Westerman ATTEST: Samuel J. Talarico
CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of
June, 19 74 at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 12th day of June, 19 74
at the hour of 2:00 o'clock P. m., E.S.T.

J. A. Lutzoff
MAYOR

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197_____, at _____ o'clock P.M., E.S.T.

Date: _____

CITY CLERK

Bull 10-08 Donald Schmitt made a motion to amend ordinance to + 12-11-74 Read the third time in full and on motion by _____ read Jan 1, 1975 instead of Jan 1, 1976 - and motion was seconded by _____, and duly adopted, placed on its passage.

Passed (LOST) by the following vote:

	AYES <u>2</u>	NAYS <u>7</u>	ABSTAINED _____	ABSENT _____ to-wit:
BURNS	_____	<u>X</u>	_____	_____
HINGA	_____	<u>X</u>	_____	_____
KRAUS	_____	<u>X</u>	_____	_____
MOSES	<u>X</u>	_____	_____	_____
NUCKOLS	_____	<u>X</u>	_____	_____
SCHMIDT, D.	<u>X</u>	_____	_____	_____
SCHMIDT, V.	_____	<u>X</u>	_____	_____
STIER	_____	<u>X</u>	_____	_____
TALARICO	_____	<u>X</u>	_____	_____

DATE: 6-11-74

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. _____ on the _____ day of _____, 197_____.
ATTEST: (SEAL)

CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 197_____, at the hour of _____ o'clock _____ M., E.S.T.

CITY CLERK

Approved and signed by me this _____ day of _____, 197_____, at the hour of _____ o'clock _____ M., E.S.T.

MAYOR

Bill No. X-72-12-08

REPORT OF THE COMMITTEE ON ANNEXATION

We, your Committee on Annexation to whom was referred an Ordinance
annexing certain territory to the City of Fort Wayne and including
the same in Councilmanic District No. 2, and repealing certain
Annexation Ordinance.

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance do PASS.

James S. Stier - Chairman

Vivian G. Schmidt - Vice-Chairman

Donald J. Schmidt

Eugene Kraus, Jr.

Paul M. Burns

James S. Stein
William H. Schmidt

QD Schmid

~~Sugden, Kays &
Paul M. Lewis~~

DATE 6-11-74 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

Bill No. X-72-12-08

half
1-9-73
Eben
Sgt Joe G.
Gan

REPORT OF THE COMMITTEE ON ANNEXATION

We, your Committee on Annexation to whom was referred an Ordinance
annexing certain territory to the City of Fort Wayne
and including the same in Councilmanin District No. ,
and repealing certain Annexation Ordinance

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance PASS.

Eugene Kraus, Jr. - Chairman

Paul M. Burns - Vice-Chairman

Donald J. Schmidt

Vivian G. Schmidt

John Nuckols

Bill No. X-72-12-08

REPORT OF THE COMMITTEE ON ANNEXATION

We, your Committee on Annexation to whom was referred an Ordinance annexing certain territory to the City of Fort Wayne and including the same in Councilmanic District No. , and repealing certain Annexation Ordinance.

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance PASS.

Vivian G. Schmidt - Chairman

Paul M. Burns = Vice-Chairman

Donald J. Schmidt

Eugene Kraus, Jr.

James S. Stier



THE CITY OF FORT WAYNE
office of city plan commission

April 11, 1974

COMMUNICATIONS FROM CITY PLAN COMMISSION

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

At the regular meeting of the Common Council held December 5, 1972, a proposed ordinance annexing territory to the City of Fort Wayne was introduced and referred to the City Plan Commission for study and recommendation. Such proposed ordinance was designated as Bill NO. X-72-12-08.

Transmitted herewith is the report of the City Plan Commission as formulated at its regular meeting held March 25, 1974.

It is the recommendation of this Commission that the proposed ordinance does meet the criteria for annexation and that the ordinance be returned to the Common Council with the recommendation that it DO PASS. It is further recommended that this ordinance be so enacted so as to become effective January 1, 1975.

Respectfully submitted,

CITY PLAN COMMISSION

Certified and Signed this
11th day of April, 1974.

George H. Roser
Secretary

CANTERBURY GREEN ANNEXATION STUDY

Bill Number X-72-12-08

The area proposed for annexation by Bill Number X-72-12-08 meets the criteria for annexation as established by the Fort Wayne City Council and Indiana Statute as follows:

1. THE AREA PROPOSED FOR ANNEXATION MUST HAVE AT LEAST ONE-EIGHTH (1/8) OR 12% OF ITS AGGREGATE EXTERNAL BOUNDARIES COINCIDE WITH THE BOUNDARIES OF THE ANNEXING CITY:

This area is contiguous to the city on its western boundary for a distance of approximately 16,500 feet. With a total perimeter length of approximately 19,200 feet, this represents 85% of its boundary.

2. THE AREA PROPOSED FOR ANNEXATION MUST HAVE A UNITY OF INTEREST WITH THE MUNICIPALITY:

A large percentage of the residents in the area have municipal services at the present time. In addition, a large percentage of the residents of the area work, shop and spend much of their recreational time inside the City of Fort Wayne. The 1970 Census has defined an "Urbanized Area" around Fort Wayne and this proposed annexation falls within this area.

3. THE ADVANTAGES TO THE AREA PROPOSED FOR ANNEXATION MUST OUTWEIGH THE DISADVANTAGES:

Residents of the area would experience an increase in taxes. This increase, however, would be more than offset by the provision of more services to the area.

4. THE ADVANTAGES TO THE CITY MUST OUTWEIGH THE DISADVANTAGES:

The city would continue to realize a normal, active growth. All projections indicate that the Fort Wayne urbanized area is and will continue to grow into the foreseeable future. This growth can only be accommodated by the provision of additional utility service and by improving present transportation facilities. The cost of these services must be borne by those who demand it. Annexation is one way of insuring that the costs of this growth are distributed equitably.

To insure that the proper planning of these additional services is done thoroughly and efficiently, areas such as this must be included.

5. THE DEFICIT OF INCOME AGAINST EXPENSE TO THE CITY MUST NOT BE UNREASONABLE:

Through annexation the City would realize a net gain in income. The excess of revenues over expenditures would total \$101,141.00 by the second year.

6. THE CITY HAS DEVELOPED A FISCAL PLAN TO FURNISH THE TERRITORY WITHIN A PERIOD OF THREE (3) YEARS, GOVERNMENTAL AND PROPRIETARY SERVICES:

At the present time, a large percentage of this area is either being served by city water and sanitary sewers. Other city services, such as police and fire protection, road maintenance, garbage collection, etc. would commence upon annexation.

7. THAT THE RESIDENT POPULATION IS EQUAL TO AT LEAST THREE (3) PERSONS PER ACRE, OR THAT THE LAND IS ZONED FOR COMMERCIAL, BUSINESS OR INDUSTRIAL USES, OR THAT SIXTY PERCENT (60%) OF THE LAND IS SUBDIVIDED:

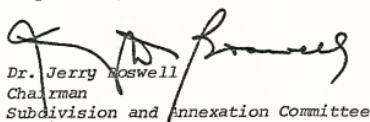
Since the present population of the area is approximately 4,400 persons, this would exceed the three (3) persons per acre set forth on the 327 acre annexation.

8. THE CITY MUST DESIRE TO ANNEX THE AREA:

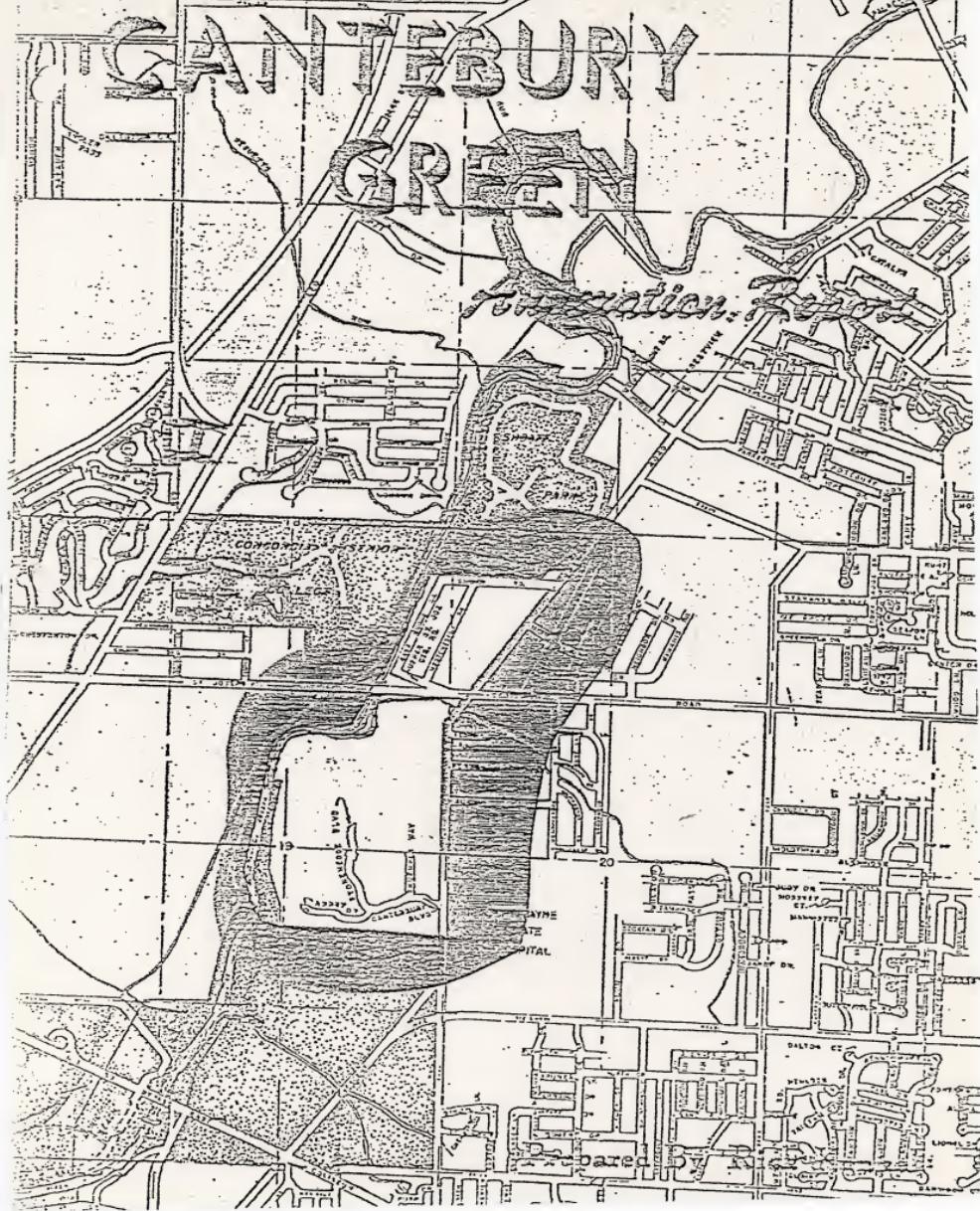
This area represents a normal, logical extension of the city and has the potential for absorbing needed growth.

Based upon the above, it is the finding of the Planning Staff that the area proposed for annexation by Bill No. X-72-12-08 meets the criteria for annexation and, therefore, should be returned to the Common Council with the recommendation that it DO PASS.

Respectfully submitted,


Dr. Jerry Roswell
Chairman
Subdivision and Annexation Committee

WISANTEBURY



PLANNING COMMISSION STAFF

Annexation Study

At the regular meeting of the Common Council held December 5, 1972, the proposed ordinance annexing territory to the City of Fort Wayne was introduced and referred to the Committee on Annexation.

The boundaries of the area described in the pending ordinance are shown by the accompanying map.

I. Basic Data:

A. LOCATION:

Bounded on the north, west and south by the Fort Wayne Corporate limits, bounded on the east by St. Joe Road.

B. SIZE:

Approximately 327 acres or .51 square miles.

C. POPULATION:

Using a factor of 2.7 persons per housing unit derived from 1970 census tract figures for the area, the estimated population of this area is approximately 4,400 persons.

D. BUILDINGS:

<u>TYPE</u>	<u>NUMBER</u>	<u>CONDITION</u>
Residential	14	Good
Apartments	1,610	Excellent
Total number of housing units	1,624	
Apts. under construction	200	
Shopping Ctr.	2	Excellent
Gas Station	1	Good

E. STREETS & ROADS:

<u>JURISDICTION</u>	<u>NO. OF MILES</u>	<u>CONDITION</u>
County	2.45	Fair to good

F. ZONING:

<u>JURISDICTION</u>	<u>ZONING</u>	<u>NO OF ACRES</u>
City of Fort Wayne	"RA" (2) "B2A" Shopping Ctr. Symbols	327

G. LAND USE (Present):

<u>LAND USE</u>	<u>PRESENT OCCUPANCY</u>	
<u>TYPE</u>	<u>ACRES</u>	<u>%</u>
Residential	216.07	66
Commerical	26.06	8
Street & Roads	14.87	5
Vacant Land	70	21
	<hr/> 327	<hr/> 100

H. LAND USE PLAN:TYPE

Low density residential

II. GROWTH POTENTIAL:CANTERBURY GREEN:

The farms that once covered this area were still there as late as 1968. Since then 1,610 apartment dwelling units were constructed and 200 units are yet to come.

When these plans are consummated all land will be occupied by either dwelling units or open space including a golf course. Soil conditions are mixed but generally they do not preclude this development.

The 1963 Master Plan suggested that this area should be low density residential. Current studies and de facto development indicate, however, the the move to develop this area to high-density residential is not improper and may in fact be desirable since this area is ringed with low density semi-public uses.

Access to Canterbury Green is provided by St. Joe which delivers traffic to other nearby arteries such as St. Joe Center Road and Stellhorn Road.

In 1960 the Canterbury Green area was inhabited by about 50 persons, all living on farms or large lots. At that time the mean income for all of census tract 41, in which Canterbury Green is located, was about \$8,500. Presently (1973) the area has 4,400 residents and the 1970 mean income is \$9,277.

This income figure is probably much higher now given the large influx of middle and upper income people to Canterbury Green since 1970.

III. URBAN SERVICES:

A. WATER:

The following report was submitted by D. L. Foland, Chief Water Engineer: "We have examined the area under annexation and find that all that part of the proposed Canterbury Green annexation area south of the Upper St. Joe Center Road with the exception of the few homes west of St. Joe Road and south of the St. Joe Center Road, is presently served with city water. A 16-inch water main is available along the Upper St. Joe Center Road and St. Joe Center Road and a 24 inch feeder main is planned for installation in the near future along the St. Joe Road, northward to the St. Joe Center Road and thus make an adequate supply available for the entire area.

The remaining unserved areas have access to an adequate supply through petitioning in accordance with the normal Utility policy.

It should be noted that the Diversified Utilities probably under the name of Puritan Utility has a water main along the St. Joe Road north of St. Joseph Center Road, the size, extend of its installation and its capabilities of serving properties adjacent to St. Joe Road are not known. Also, note, there is a 35% surcharge on water service for areas outside the City limits. Upon annexation, the surcharge on water service will be eliminated.

B. SEWERS:

The following report was submitted by Phillip R. Boller, Chief Water Engineer: "After examining the annexation area we found that the area to the South of St. Joe Center Road and Riveria Plaza has been or is being currently provided with both sanitary and storm sewers. The remaining area to the north of St. Joe Center Road can be serviced with sanitary sewers for an estimated cost of \$176,000.; and with storm sewers for an estimated cost of \$192,000." Also, note, there is a 100% surcharge on sewer service for areas outside the City limits. Upon annexation the surcharge on sewer service will be eliminated.

C. STREETS AND ROADS:

Some of the streets within the Canterbury Green Development have been constructed or at least up-graded to meet City Street Standard Specifications and therefore, by previous mutual agreement by the City and the owners, and developers of Canterbury Green, the City will take over street maintenance upon annexation. Also, the streets north of St. Joe Center Road are in fair to good condition except for Camden Drive and Westchester Drive, which at present are only paper streets.

St. Joe Road Improvement adjacent to Canterbury Green Apartment and The Market Place area is estimated at \$800,000. for the total improvement, including walks, lights, street, sewers and bicycle path. However, only one half of this amount should be assessed against the Canterbury Green property and the other one half against properties on the east side of St. Joe Road. By estimating the total cost to the general fund at 30% (Federal Highway Fund require a 30% local construction) the total cost to the city will be \$240,000.

Maintenance - The average cost to provide this service is \$2,100.00 per mile. This area contains approximately 2.45 miles of streets with an annual maintenance cost of \$5,145.00.

D. POLICE PROTECTION:

On the basis of one (1) officer per 500 persons, it would cost approximately \$133,328.00 to provide service to this area.

E. FIRE PROTECTION:

The following report was submitted by Thomas A. Heckman, Fire Chief: "We have studied the proposed annexation and feel there would be no additional costs to our department provided we extend service from our existing facilities".

F. STREET LIGHTING:

The following report was submitted by Fred Biggs, Assistant Chief Electrical Engineer: "At the present Canterbury Green has its own lighting. It was explained to them in the meeting that we would not assume the maintenance of this type of lighting. Mr. Rocke agreed at that time to maintain it".

G. TRAFFIC CONTROL:

The following report was submitted by Walt Stout, Traffic Engineering: "A study has been made on Canterbury Green area regarding the updating of existing traffic control signs and for additional signs that were deemed necessary for future traffic control improvements. It was found that 38 traffic signs and posts would be needed at a cost of \$635.89. Also, one (1) traffic signal would be needed at a cost of \$16,635.89."

H. GARBAGE COLLECTION:

Under the terms of the present contract, the cost for garbage collection in this area would be \$15,773.94 per year. This figure is based on 14 single family units in the area at a 1974 cost of \$19.26 per unit and 1,610 apartment units at a 1974 cost of \$19.26 per every two (2) units.

I. SCHOOLS:

This area is served by the Fort Wayne Community School System.

J. ADMINISTRATIVE COSTS:

Included in this category are several departments of the municipality which provides various services, not measurable in terms of dollars and cents.

Examples are:

City Park Board, Traffic Engineering, Civil Defense, Human Relation Commission, Building Departments, Urban Renewal, Board of Health, Planning, Humane Shelter, and smaller departments such as the Traffic Sign Shop.

The costs of the proposed annexation to these departments is difficult to determine since the services they provide are of a more general City-wide nature. Consequently, no estimate is given concerning the cost to these departments. However, all of these services would be available to the area upon annexation to the City. In fact, some of the services are probably already being utilized by the residents of the area, even though they are outside of the Corporate Limits. (The City Park Board is a case in point).

There are other municipal administrative costs which cannot be directly related to the size or demand of an area. These costs include such things as the Mayor's Office, City Council, Attorney's Office, City Clerk, Board of Public Works, and City Controller.

IV. FINANCIAL SUMMARY:**A. REVENUE:****1. ASSESSED VALUATION:**

Present Land Value	\$ 970,410
Present Improvements	5,934,986
Present Total Tax Base	\$ 6,905,396
Expected Tax Base (Includes 200 units now under construction)	\$ (7,542.596)

City would receive approximately \$3.71 per \$100.00.

B. EXPECTED REVENUE BASED ON PRESENT TOTAL TAX BASE:

	<u>ACTUAL</u>	<u>POTENTIAL</u>
Property Taxes	\$ 256,190.19	\$ 256,190.19
Cigarette Tax*		12,936.00
Alcoholic Gallonage Tax*		5,940.00
Gasoline Tax*		40,128.00
Expected Revenue From 200 new units under construction		<u>23,640.00</u>
 Total Expected Revenue	256,190.19	\$ 338,834.19

* These additional revenues will not be received until the 1980 census unless a special census is called. Also note cigarette tax would not be effected by special census and would only be effected by 1980 census.

C. TO BE SUPPLIED:

	<u>EXPENDITURES</u>	
	<u>CAPITAL</u>	<u>OPERATING</u>
Traffic Control	\$ 17,271.00	\$
Streets & Roads	240,000.00	5,145.00
Street Lighting		800.00
Police Protection		133,328.00
Garbage Collection		<u>15,773.00</u>
 TOTAL	\$ 257,271.00	\$ 155,046.00

<u>SUMMARY:</u>	<u>ACTUAL</u>	<u>POTENTIAL</u>
Expected Revenue	\$ 256,190.00	\$ 338,834.00
Total Expenditures (1st Year)	(412,317.00)	(412,317.00)
Net Income (Loss) to City (1st Year)	\$ (156,127.00)	\$ (73,483.00)
Net Income (Loss) to City (2nd Year)	101,144.00	183,788.00
Net Income (Loss) to City (5 Year Total)	248,449	661,669.00

This income figure is based primarily on the five (5) major services to be supplied at the cost of the City. This figure would be somewhat less if other administrative costs could be adequately quantified. Also, the net annual income to the City could be increased by \$82,644.00 per annum if we could begin collecting the other revenues upon annexation. Assuming an annexation date of 1/1/75, this would mean a total increase in revenue of \$413,220.00 by 1980.

*Copyd
1/6/75*

STATE OF INDIANA) IN THE ALLEN CIRCUIT COURT
) SS:
COUNTY OF ALLEN) CAUSE NO. CC-75-1380

IN THE MATTER OF THE ANNEXATION PROPOSED)
BY ANNEXATION ORDINANCE NO. X01-74, BEING)
AN ORDINANCE TO ANEX CERTAIN TERRITORY)
TO THE CITY OF FORT WAYNE AND TO INCLUDE)
THE SAME IN COUNCILMATIC DISTRICT NO. 2.)
ENVIRONMENTAL PROPERTIES, et al.)
)
Plaintiff,)
)
vs.)
)
THE CITY OF FORT WAYNE,)
)
Defendant.)

AFFIDAVIT IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

CHARLES W. WESTERMAN, being first duly sworn upon his oath,
deposes and says:

That he is the duly elected and acting Clerk of the City of
Fort Wayne, Indiana, and was the duly elected and acting Clerk during
the year of 1974.

Affiant further states that all ordinances, and records pertaining
thereto, are kept and maintained in the Office of the Clerk under his
supervision and control, and that in particular, Annexation Ordinance No.
X01-74, and records pertaining thereto, was and is kept and maintained
under his supervision and control.

Finally, Affiant says that said records show that Annexation
Ordinance No. X01-74 was adopted by the Common Council on June 11, 1974,
and approved by the Mayor on June 12, 1974; and that said Ordinance and the

passage thereof, was published in both of the Fort Wayne Newspapers on June 15 and 22, 1974, and again on July 13 and 20, 1974, certified copies of said publications being attached hereto, and made a part hereof.

Further Affiant Saith Not.

Charles W. Westerman

STATE OF INDIANA)
)SS:
COUNTY OF ALLEN)

Personally appeared before me, a Notary Public in and for said County and State, CHARLES W. WESTERMAN, known to me to be the duly elected and acting Clerk of the City of Fort Wayne, Indiana, and acknowledged the execution of the above and foregoing Affidavit for the uses and purposes therein set forth.

WITNESS my hand and notarial seal, this 6th day of January, 1976.

Notary Public

My Commission Expires:

CERTIFICATE OF SERVICE

I certify that on the 6 day of Jan, 19-76, service of a true and complete copy of the above foregoing pleading or paper was made upon each party or attorney of record herein by depositing the same in the United States mail in envelopes properly addressed to each of them and with sufficient first class postage affixed.

SHOAFF, KEEGAN, BAIRD & SIMON
By _____



City Clerk Memorandum

CHARLES W. WESTERMAN, Clerk

To: Richard S. Wanush - Senior Planner Date: 5-31-74
From: Charles W. Westerman - City Clerk
Subject: Appearance before Common Council - June 4, 1974

COPIES TO:

RE: BILL NO. X-72-12-08

AN ORDINANCE annexing certain territory to the City of Fort Wayne and including the same in Councilmanic District No. , and repealing certain Annexation Ordinance.

Your presence is requested on June 4, 1974, at 7:30 o'clock P.M., Room 124, by the members of the Common Council and James Stier, Chairman of the Annexation Committee, in regard to Bill No. X-72-12-08.

It is also requested that you bring along any materials or information that you may have which will help the Council in its decision regarding the above bill.

Charlie

ORDINANCE CHECK-OFF SHEET

INFORMATION REGARDING ORDINANCE

CONTENTS OF ORDINANCE

	BILL NO. <u>X - 72 - 1208</u>
	ORDINANCE NO.
<input checked="" type="checkbox"/>	REGULAR SESSION
	SPECIAL SESSION
	APPROVED AS TO FORM AND LEGALITY
	BILL WRITTEN BY
	DATE INTRODUCED <u>12-5-72</u> <i>House annulment</i>
	REFERRED TO SAID STANDING COMMITTEE
	REFERRED TO CITY PLAN
	LEGAL PUBLIC HEARING
	LEGAL PUBLICATION
	JOINT HEARING
	DEPARTMENT HEARING
<input checked="" type="checkbox"/>	HOLD FILE
	PASS
	DO NOT PASS
	WITHDRAWN
	SUSPENSION OF RULES
	PRIOR APPROVAL
	ORDINANCE TAKEN OUT OF OFFICE
	OTHER INSTRUCTIONS REGARDING ORDINANCE
	CORRECTIONS MADE TO ORDINANCE
	PEOPLE SPEAKING FOR ORDINANCE
	PEOPLE SPEAKING AGAINST ORDINANCE

	COMMITTEE SHEET
<input checked="" type="checkbox"/>	VOTE SHEET
	PURCHASE ORDERS
	BIDS ORDERS, BIDS OR OTHER PAPERS TAKEN OUT AND BY WHOM
	LETTER REQUESTING ORDINANCE DRAWN UP BY CITY ATTORNEY
	COMMUNICATIONS FROM
	ZONING MAPS
	ABSTRACTS
	TITLES
	PRIOR APPROVAL LETTER

COUNCILMAN'S VOTE

	AYES	NAYS	ABSENT
BURNS			
HINCA			
KRAUS			
MOSES			
NUCKOLS			
D. SCHMIDT			
V. SCHMIDT			
STIER			
TALARICO			

COMMENTS:

Hold file



CITY OF FORT WAYNE

FORT WAYNE, INDIANA

CHARLES W. WESTERMAN
CITY CLERK

June 13, 1974

Miss Helen Libbing
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, Indiana 46802

Dear Miss Libbing:

Please give the attached full coverage on the dates of June 15 and June 22, 1974, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council of
Fort Wayne, Indiana, Public Legal
Notice for the following:

Annexation Ordinance No. X-01-74

Annexation Ordinance No. X-02-74

General Ordinance No. G-16-74

General Ordinance No. G-18-74

Please send us six (6) copies of each newspaper of the Publisher's Affidavit.

Thank you.

Sincerely,

Charles W. Westerman

Charles W. Westerman

CWW/ne
ENCL: 4



CITY OF FORT WAYNE

FORT WAYNE, INDIANA

CHARLES W. WESTERMAN
CITY CLERK

July 11, 1974

Miss Helen Libbing
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, Indiana 46802

Dear Miss Libbing:

Please give the attached full coverage on the dates of July 13 and July 20, 1974, in both the News Sentinel and Journal Gazette.

RE: Legal Notice For Common Council
of Fort Wayne, Indiana.

Bill No. X-72-12-08
Annexation Ordinance No. X-01-74

Bill No. X-72-12-09
Annexation Ordinance No. X-02-74

Please send us five (5) copies of the Publisher's Affidavit from each paper.
Thank you.

Sincerely,

Charles W. Westerman
City Clerk

CWW/ne
ENCL: 2

Fort Wayne Common Council
(Governmental Unit)

To NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

Notice is hereby given that on the 11th day of June, 1974, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did enact the following Ordinance, X-72-12-06, X-01-74 Annexation Ordinance, 10-Wif:

BILL NO. X-72-12-06

ANNUXATION ORDINANCE, X-01-74
AN ORDINANCE annexing certain territory to the City of Fort Wayne and including the City of Fort Wayne, Indiana, No. 2, and repealing certain Annexation Ordinance.

WHEREAS, since the passage of Annexation Ordinance X-18-68, certain annexation statutes were enacted by the 1969 General Assembly of Indiana, which are more effective than prior state laws.

WHEREAS, the City of Fort Wayne is desirous of annexing the territory covered in Ordinance X-18-68, pursuant to the 1969 annexation statutes, rather than under prior annexation statutes.

NOW, THEREFORE, BE IT ORDAINED, BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

That the territory herein described territory be and the same is hereby annexed to and made part of the corporation of the City of Fort Wayne, Indiana.

Part of Section 19, the Southeast Quarter of Section 18, the Southwest Quarter of Section 17, the Northeast Quarter of Section 20, Township 31 North, Range 13 East, Allen County, Indiana; more particularly described as follows:

Bounding the intersection of the East right-of-way line of the St. Joe Road with the North line of the Southwest Quarter of Section 18, the Northeast Quarter of Range 13 East; thence South along the East right-of-way line of St. Joe Road to a point where the same intersects the extension of the North line of the South one-half of the South one-half of Section 19, Township 31 North, Range 13 East; thence West along the solid North line of the South one-half of the South one-half of Section 19, the North line of the Southwest Quarter of Section 18, the Northeast Quarter of Range 13 East; thence South along the center line of the St. Joseph River; thence upstream in a northerly direction following the center line of the East line of the St. Joseph River crossing St. Joe Center Road to the intersection with the North line of the Southwest Quarter of Section 19, the Northeast Quarter of Range 13 East; thence to a point situated 277 feet West of the center line of the St. Joe Road; thence North 45 degrees and 45 minutes East along a line parallel with the center line of the St. Joe Road a distance of 126 feet to a point; thence North along a line being parallel to the North line of St. Joe Gardens Addition extended easterly, a distance of 126 feet; thence North along with the West right-of-way line of the St. Joe Road; thence in a Southwesterly direction on a line parallel with the North line of the Southwest Quarter of Section 19, the Northeast Quarter of Range 13 East; thence North 45 degrees and 45 minutes East along a line parallel with the center line of the St. Joe Road a distance of 126 feet to a point; thence North along a line being parallel to the North line of St. Joe Gardens Addition extended easterly, a distance of 126 feet; thence North along with the West right-of-way line of the St. Joe Road; thence in a Southwesterly direction on a line parallel with the North line of the Southwest Quarter of Section 19, the Northeast Quarter of Range 13 East to the point of beginning. Containing therein approximately ??? acres.

SECTION 2. Said annexed territory shall be in full force and effect as part of the City of Fort Wayne, Indiana, as described in Section 29 of Chapter 1 of the Municipal Code of the City of Fort Wayne, Indiana.

SECTION 3. That Annexation Ordinance X-18-68 is hereby repealed.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage, approved by the Mayor, and sixty (60) days after being published, but shall not take effect until January 1, 1975.

Vivian G. Schmidt
Common Council

Read the third time in full and motion by Stier, seconded by V. Schmidt, and duly concurred in upon its passage. PASSED by the following vote:

Ayes: Nine
Nays: Kraus, Moses, Nuckles, D. Schmidt, V. Schmidt, Stier, Talorico
Date: 6-14-74

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-01-74 on the 11th day of June, 1974.

ATTACHED SEAL
Charles W. Westerman
City ClerkSamuel J. Talorico
President of the Common Council

Presented by the Common Council of the City of Fort Wayne, Indiana, on the 12th day of June, 1974, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 12th day of June, 1974, at the hour of 2:00 o'clock P.M., E.S.T.

Ivan A. Lebamoff
Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-01-74, passed by the Common Council on the 11th day of June, 1974, and that said Ordinance was duly signed and approved by the Common Council on the 12th day of June, 1974 and now remains on file and record in my office.

WITH THIS PAPER AND THE OFFICIAL SEAL OF THE CITY OF FORT WAYNE, INDIANA, THIS 12th day of June, 1974.

Charles W. Westerman
City Clerk

letter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) number of equivalent lines

Number of lines

Number of lines

Number of lines

Total number of lines in notice

RGES

1 columns wide equals 141 equivalent lines at .288¢ per line

\$ 40.61

charge for notices containing rule or tabular work (50 per cent of above)

extra proofs of publication (50 cents for each proof in excess of two)

2.00

TOTAL AMOUNT OF CLAIM

\$ 42.61

G COST

Single column 11 ems

Size of type 5½ point

Insertions 2

Size of quad upon which type is cast 5½

on and penalties of Ch. 89, Acts 1967.

The foregoing account is just and correct, that the amount claimed is legally due, after allowing all just of the same has been paid.

19-74

Title Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN, County ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned, V. E. Gerken, who, being duly sworn, says

that She is Clerk of the

NEWS-SENTINEL

DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two

times, the dates of publication being as follows:

6/15-22/74

Subscribed and sworn to before me this 24th day of June, 1974, of

June, 1974.

My commission expires October 25, 1975

Notary Public

Fort Wayne Common Council
(Governmental Unit)

To.....NEWS-SENTINEL.....Dr.

Allen.....County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)
— number of equivalent lines

Head number of lines

2

Body number of lines

139

Tail number of lines

2

Total number of lines in notice

141

COMPUTATION OF CHARGES

141 lines, 1 columns wide equals 141 equivalent lines at .288¢ cents per line \$ 40.61

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

2.00

TOTAL AMOUNT OF CLAIM

\$ 42.61

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5 1/2 pointNumber of insertions 2Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

*T. E. Gerken*Date June 24, 19 74Title Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned, V. E. Gerken, who, being duly sworn, says that

She is Clerk of the NEWS-SENTINEL,
a newspaper of general circulation printed and published

in the English language in the city FORT WAYNE, INDIANA of Town,
in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two time, 6 the dates of publication being

as follows:
6/15-22/74

T. E. Gerken

Subscribed and sworn to before me this 24th day of June, 19 74.

Notary Public

My commission expires October 25, 1975

Notice is hereby given that on the 11th of June, 1974, the Common Council of City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. 7-1248 X-01-74 Amending Ordinance, with

BILL NO. X-721-24
AN ORDINANCE to amend certain territory to the City of Fort Wayne and including the same in Councilmanic District Number 1 and repealing certain Annexation Ordinance.

WHEREAS, since the passage of Annexation Ordinance X-01-74, certain annexations were enacted by the 1969 General Assembly of Indiana, which are more effective than the one above mentioned.

WHEREAS, the City of Fort Wayne is now of opinion that the territory covered by the X-01-74 Annexation Ordinance and Annexation statutes, rather than under

ON THIS EVIDENCE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

Section 1. That the following territory is hereby annexed to and made part of the corporation of City of Fort Wayne, Indiana, to-wit: The Northeast Quarter of Section 18, the Southwest Quarter Section 17, and the West half of Section 16, all of which are located in Allen County, Indiana; more particularly, Children's Hospital, City Clerk

Fort Wayne Common Council
(Governmental Unit)

To..... JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) number of equivalent lines

Number of lines

Number of lines

Number of lines

Total number of lines in notice

RATES

1 columns wide equals 141 equivalent lines at .2884 per line

\$ 40.61

charge for notices containing rule or tabular work (50 per cent of above rates)

2.00

extra proofs of publication (50 cents for each proof in excess of two)

\$ 42.61

TOTAL AMOUNT OF CLAIM

IC COST

Single column 11 ems

Size of type 5½ point

Insertions 2

Size of quad upon which type is cast 5½

on and penalties of Ch. 89, Acts 1967.

foregoing account is just and correct, that the amount claimed is legally due, after allowing all just of the same has been paid.



Title..... CLERK

19 74

PUBLISHER'S AFFIDAVIT

State of Indiana }
ALLEN County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is

JOURNAL-GAZETTE

DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time at the dates of publication being as follows:

6/15-22/74

COPY OF
MENT HERE

Subscribed and sworn to before me this 24 day of June 1974

At the office of

Elmer C. Krebs

Notary Public

My commission expires October 25, 1974

Presented and supported by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-91-74 on the 11th day of June, 1974.

Approved and signed by me this 12th day of June, 1974, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk
Presiding Officer

Presented and supported by the Common Council of the City of Fort Wayne, Indiana, on the 11th day of June, 1974, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk
Approved and signed by me this 12th day of June, 1974, at the hour of 2:30 P.M., E.S.T.

Ivan A. Lebamoff
Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above foregoing is a full, true and complete copy of Annexation Ordinance No. X-91-74 presented by the Common Council on the 11th day of June, 1974, and that the same was duly signed and approved by the Mayor on the 12th day of June 1974 and now remains on file and is ready for inspection.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 12th day of June, 1974.

Charles W. Westerman
City Clerk

